

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DANIEL L. HANSON,**

**Plaintiff,**

**v.**

**Case No. 14-CV-1024**

**SEAN M. VAN ERMEN, et al.,**

**Defendants,**

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**DECISION AND ORDER**

Plaintiff Daniel Hanson, a Wisconsin state prisoner, filed an amended pro se complaint on June 8, 2015, under 42 U.S.C. § 1983, alleging that his civil rights were violated. On July 8, 2015, I screened plaintiff's amended complaint and ordered that he could proceed on claims against "John and Jane Doe" defendants. I instructed plaintiff to use discovery to identify the Doe defendants and then move to replace their names in the caption. On July 27, 2015, plaintiff filed a motion asking to replace the Doe defendants with Dr. Dennis Smith, Brad D. DeYoung, and Linda Van Den Heuval.<sup>1</sup> He indicates in his motion that these are the individuals who injected him with shots of Haldol despite his objections. I will grant plaintiff's motion to replace the Doe defendants with these names.

Although not entirely clear, plaintiff also appears to want to resurrect a claim against Rick Prince. I dismissed Rick Prince as a defendant on July 8, 2015, and plaintiff's motion is not an appropriate vehicle to state a claim against a defendant who has already been dismissed. If the plaintiff wants to amend his complaint to try and cure the pleading

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<sup>1</sup> Plaintiff also asks that Sharon Kamin be substituted as a defendant; however, this is unnecessary because Kamin is already named as a defendant.

deficiencies I identified in my July 8 order, he must adhere to Federal Rule of Civil Procedure 15 and Civil Local Rule 15 (E.D. Wis.). He has not done that in his motion, so I will not consider his request to “include Rick Prince.” (Docket #25 at 7.)

**THEREFORE IT IS ORDERED** that plaintiff’s request to substitute the names of the Doe defendants (Docket #25) is **GRANTED**. The Clerk of Court shall replace “John/Jane Doe” and “Unknown” defendants with Dr. Dennis Smith, Brad D. DeYoung, and Linda Van Den Heuval.

**IT IS ALSO ORDERED** that the plaintiff’s request to re-add Rick Prince as a defendant (Docket # 25) is **DENIED**.

**IT IS FURTHER ORDERED** that the United States Marshal shall serve a copy of the complaint and this order upon defendants Smith, DeYoung, and Van Den Heuval pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

**IT IS ALSO ORDERED** that defendants Smith DeYoung, and Van Den Heuval shall file a responsive pleading to the complaint.

Dated at Milwaukee, Wisconsin, this 4<sup>th</sup> day of August, 2015.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge